



7/2/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thor R. Halseth et al.

Title: FLUID COLLECTION DEVICE WITH CAPTURED RETRACTABLE NEEDLE

Docket No.: P01404US3

Serial No.: 10/698,763

Filed: October 31, 2003

Due Date: June 30, 2007

Examiner: Theodore J. Stigell

Group Art Unit: 3763

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

X A return postcard and this transmittal document.

X A Response to Restriction Requirement (2 Pages).

Customer Number: 65008

By

Paul S. Evans

Reg. No. 36,130

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26th day of June, 2007.

Brenda L. McCalister

Name

Signature

(GENERAL)

S/N 10/698,763

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. Botich et al. Examiner: Theodore J. Stigell
Serial No.: 10/698,763 Group Art Unit: 3763
Filed: October 31, 2003 Docket: P01404US3
Title: FLUID COLLECTION DEVICE WITH CAPTURED RETRACTABLE
NEEDLE

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

In response to the Restriction Requirement, mailed May 31, 2007, Applicants provisionally elect, without traverse, species F, corresponding to Figures 14A-16. The claims which correspond to the provisionally elected species include, at least, claims 1-5 and 9-12.

In the Office Action, no claims were found generic. Applicants respectfully submit that at least independent claims 1 and 11 are generic to species F as designated in the Office Action. Therefore, upon the allowance of the generic claims all respective dependent claims would also be allowable. Support for this position may be found throughout the specification and drawings of the instant application.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees that may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 19-3542. Also, in the event that any extensions of time for responding are required for the pending application, please treat this paper as a petition to extend the time as required and charge deposit account no. 19-3542 therefor.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on this 26th day of June, 2007.

Brenda L. McCalister
Name

Brenda L. McCalister
Signature

Respectfully submitted,

MICHAEL J. BOTICH ET AL.

By their Representatives,

Customer Number 65008
801-298-3360

Date June 26, 2007

By



Paul S Evans

Reg. No. 36,136